

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

IN RE:) BANKRUPTCY CASE
)
MARK GORDON HERON,) NO.: 22-31614
MARY KATHLEEN HERON,)
) CHAPTER 13
Debtors.)
)
)
)

OBJECTION TO CONFIRMATION

COMES NOW NewRez LLC d/b/a Shellpoint Mortgage Servicing (hereinafter known as "Creditor"), a secured creditor holding a deed of trust against the real property commonly known as 1749 22Nd Street, Hood River, OR 97031 (the "Property"), and for the reasons stated below, objects to confirmation of Debtors' Chapter 13 plan (Doc. No. 23) (the "Plan").

1.

Debtor's Plan proposes to cure arrears due to Secured Creditor through a sale of the Property within fifty-five (55) months of the date of plan confirmation, which is speculative date for consummation of the sale. Regardless, Debtor's proposed Plan is wholly dependent on the sale of real property, which is speculative and circumstantial in itself. Therefore, Secured Creditor objects to the proposed Plan as it does not provide Secured Creditor with adequate assurances that the Plan can be completed as proposed nor is Secured Creditor being provided with adequate protection.

2.

Creditor has not yet filed a proof of claim but will do so prior to the expiration of the claims deadline. According to preliminary figures, the arrearage is \$34,545.35.

3.

Further, Creditor objects to the treatment of its lien for the following reason, including but not limited to, that Debtors are not the borrower on the Note or Mortgage. Creditor does not consent to the treatment of its claim as proposed by the Debtor's Plan.

4.

Creditor objects to the proposed sale of the Property.

5.

Creditor reserves the right to raise the failure of Debtors to have made post-petition mortgage payments if at the time of the confirmation hearing that appears to be the case.

WHEREFORE, Creditor prays that the Court will:

1. deny confirmation,
2. award reasonable attorney's fees, and
3. grant such other and further relief as is just and equitable.

/s/Linda St. Pierre

Linda St. Pierre
Oregon BAR NO. 200446
Attorney for Creditor
McCalla Raymer Leibert Pierce, LLC
1544 Old Alabama Road
Roswell, GA 30076
860-240-9156
/s/Linda St. Pierre

Bankruptcy Case No.: 22-31614

Chapter: 13

CERTIFICATE OF SERVICE

I, Linda St. Pierre, of MCCALLA RAYMER LEIBERT PIERCE, LLC, 1544 Old Alabama Road, Roswell, GA 30076, certify:

That I am, and at all times hereinafter mentioned, was more than 18 years of age;

That on the date below, I served a copy of the within OBJECTION TO CONFIRMATION filed in this bankruptcy matter on the following parties at the addresses shown, by regular United States Mail, with proper postage affixed, unless another manner of service is expressly indicated:

Mark Gordon Heron
1749 22nd Street
Hood River, OR 97031

Mary Kathleen Heron
1749 22nd Street
Hood River, OR 97031

CHRISTOPHER N COYLE
319 SW Washington St #520
Portland, OR 97204-2690

(served via ECF Notification)

Wayne R. Godare, Trustee
222 SW Columbia Street
Suite 1700
Portland, OR 97201

(served via ECF Notification)

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

Executed on: 01/05/2023 By: /s/Linda St. Pierre
(date) Linda St. Pierre Oregon BAR NO. 200446
Attorney for Creditor